

BOARD OF APPEALS CASE NO. 5287

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BEFORE THE

APPLICANTS: Paul & Barbara Johnson

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ZONING HEARING EXAMINER

REQUEST: Variance to construct an attached garage within the required rear yard setback; 609 Mauser Drive, Bel Air

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OF HARFORD COUNTY

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HEARING DATE: November 4, 2002

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Hearing Advertised

Aegis: 9/18/02 & 9/25/02

Record: 9/20/02 & 9/27/02

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ZONING HEARING EXAMINER'S DECISION

The Applicants, Paul and Barbara Johnston, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an attached garage within the 40 foot rear yard setback (26 feet proposed) in an R2/Urban Residential District.

The subject parcel is located at 609 Mauser Drive, Bel Air, MD 21015 and is more particularly identified on Tax Map 49, Grid 1F, Parcel 842, Lot 320. The parcel consists of 0.31± acres, is zoned R2 and is entirely within the Third Election District. The home is within the Greenridge II subdivision.

Mr. Paul Johnston appeared and testified that an existing concrete slab foundation for an anticipated attached garage was built in 1992. A permit was issued for construction of that slab and indicates, "for future garage". The parcel is a corner lot subject to two front yard setbacks. The previous owners of the parcel applied to the Board for a variance to construct a deck within the setback which was approved by the Board in 1992 (Board of Appeals case No. 4288). The garage will be built on the existing concrete foundation and will be 26 feet square. The siding and roof materials will match the existing home. Mr. Johnston stated that the garage will be similar to others found in the neighborhood and did not believe there should be any adverse impacts that would result from its construction or use.

The Department of Planning and Zoning, in recommending approval, found that "...the subject property and circumstances are unique. The requested variance should have little or no adverse impact on adjoining properties or the intent of the Code.

There were no persons who appeared in opposition to this request.

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CONCLUSION:

The Applicants, Paul and Barbara Johnston, are requesting a variance, pursuant to Section 267-36B, Table V, of the Harford County Code, to allow an attached garage within the 40 foot rear yard setback (26 feet proposed) in an R2/Urban Residential District.

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Hearing Examiner agrees that the property is unique. The hearing Examiner and the Board made the same finding of fact regarding this parcel in 1992 (Board of Appeals Case No. 4288) and no evidence was presented that would tend to alter or modify that earlier finding by the Board. The garage should have little or no impact and further, should have no material impact on the purposes of the Code or impair the public health or safety.

The Hearing Examiner recommends approval conditioned upon the Applicants obtaining any and all necessary permits and inspections.

Date NOVEMBER 25, 2002

William F. Casey
Zoning Hearing Examiner